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**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

IN RE

JANICE HIXON,

Debtor

) Case No.: 10-62071-ASW

) Chapter 13

) DECLARATION OF JANICE HIXON IN  
) SUPPORT OF DEBTOR'S OPPOSITION TO  
) MOTION FOR RELIEF FROM STAY OF  
) WELLS FARGO BANK; MOTION TO VALUE  
) COLLATERAL

DATE: August 29, 2011  
TIME: 2:00 P.M.  
CTRM: 3020

I, JANICE HIXON, state:

1. I am the Debtor herein.

2. I make this Declaration in support of my Opposition to the motion of Creditor WELLS FARGO BANK, N.A. fka WACHOVIA MORTGAGE FSB fka WORLD SAVINGS BANK, FSB, for an order of this Court granting to Creditor relief from the automatic stay of 11 USC Sec. 362 with respect to real property owned by me and located at 15703 Legacy Court, Bakersfield, California 93314 ("Real Property").

3. Lack of Equity: I am informed and believe, according to a Uniform Residential Appraisal Report, dated June 18, 2011 and carried out by a certified appraiser, that the value of the Real Property is \$365,000 and that Creditor's security interest in Property does not exceed that sum.

1           4. Property is Necessary for Effective Reorganization of Debtor: I am a widow of  
2 retirement age whose sole sources of income are pensions and Social Security benefits. In the past I  
3 and my husband rented Real Property for \$3,000 per month, and I intend to rent it again for at least  
4 \$2,500 per month as soon as the property is repaired and cleaned up enough to be habitable.

5           5. I estimate that operating expenses of the Property will include first mortgage payments to  
6 Creditor based on the current appraised value of Real Property of about \$2,000 per month, property  
7 taxes of about \$500 per month, and hazard and liability insurance of about \$150 per month.  
8

9           6. Real Property suffered fire and vandalism damage in August, 2010, prior to the filing of  
10 the Petition herein in November, 2010. The damage can be seen in photos of Real Property on pp.  
11 15 and 16 of the Appraisal of Ray A. Elarmo II, attached as Exhibit "A" hereto, which is an  
12 accurate portrayal of Real Property as it existed in June, 2011, and in better condition than it was in  
13 November, 2010.  
14

15           7. I am in process of enhancing the value of subject Real Property by making repairs,  
16 restoring the yard/landscaping and cleaning up the fire damage in order to be able to rent subject  
17 property. I estimate that I have spent over 400 hours and \$4,000 since August, 2010, in such work.  
18

19           8. I have applied for insurance reimbursement of expenses for repair of fire damage and  
20 vandalism to subject Real Property but due to my injuries suffered in an accident in January, 2011,  
21 confining me to hospital and rehab facility from January to May. I have not yet been able to devote  
22 sufficient time to this project to be able to reach agreement with the insurer as to the extent of  
23 coverage or to obtain an acceptable bid for repair work from a licensed contractor. These matters  
24 are close to resolution, however, and should be resolved by the date of hearing of this motion.  
25

26           8. Hazard insurance coverage for the property is currently in force, and real estate taxes are  
27 not due until December, 2011.

28           9. I propose to provide adequate protection for Creditor in the following manner:

- 1 a) Maintain hazard and liability insurance coverage;
- 2 b) Pay property taxes when due;
- 3 c) Make repairs to and clean up the premises sufficient to make it rentable or saleable
- 4 within a reasonable amount of time;
- 5 d) Commence payment of interest and principal to Creditor as soon as Real Property is
- 6 repaired and rentable, in accordance with my proposed Chapter 13 Plan, as amended.
- 7

8 10. I request the court to determine the value of Real Property to be \$365,000, as set forth in

9 the attached appraisal report of Ray A. Elarmo.

10 11. I request the court to order Creditor to disburse to the contractor who satisfactorily

11 carries out fire and vandalism repair work the full amount of any insurance funds payable to me and

12 to Creditor for such work.

13

14 12. I request the court to deny Creditor's motion for relief from stay.

15 13. I request the court to provide for adequate protection of Creditor's interest in Real

16 Property as proposed herein.

17 I swear under penalty of perjury that I am a competent witness to the facts stated above and

18 that those facts are true and correct to the best of my information and belief.

19

20 Sworn to this 15<sup>th</sup> day of August, 2011, at Bakersfield, California.

21

22 /s/ Janice R. Hixon

23 JANICE ROSE HIXON, Debtor

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